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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/603,340 | 06/25/2003 | David Wayne Gregg | 64245 | 2643 |
| 27148 | 7590 | 08/31/2006 | EXAMINER | |
| POL SINELLI SHALTON WELTE SUELTHAUS P.C. | | | ADDIE, RAYMOND W | |
| 700 W. 47TH STREET | | | ART UNIT | |
| SUITE 1000 | | | PAPER NUMBER | |
| KANSAS CITY, MO 64112-1802 | | | 3671 | |

DATE MAILED: 08/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|---|--|
| Office Action Summary | Application No. 10/603,340 | Applicant(s) GREGG, DAVID WAYNE | |
| | Examiner Raymond W. Addie | Art Unit 3671 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6, 7, 10-17, 19-33 and 49-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 7, 10-17, 19-33, 49-53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 6, 7, 10-17, 19-27, 29-33, 49-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over FR 2597910 reference to Pallard, in view of Wynings US # 6,585,451 B2 and Paladeni # 6,350,083 B1.

Pallard discloses an apparatus (1) for stamping wet concrete comprising:

A roller (10) having oppositely disposed ends, and a surface defined by a stamp (11, 12) having a pattern.

A receiver portion (unnumbered) including lateral members (unnumbered), and having oppositely disposed ends corresponding to the oppositely disposed ends of the roller.

A handle in communication with a receiver portion.

Wherein the stamp includes at least one layer (11, 12) of rubber material.

Further wherein said stamp includes a brick-type pattern and a smooth texture on the face of each brick-type face.

What Pallard does not disclose is the use of holder mechanisms for holding separate sets of weights nor a pivot able handle.

However, Wynings teaches it is known to provide compaction rollers (10) with at least one holder mechanism, in the form of posts or bar members (38) disposed at opposite ends of a compaction roller (10), and extending from a cross bar (18), and intended to hold separate sets of removable weights (40) intended for weighting the roller along the length of the roller (10), to selective increase or decrease the compaction force generated by the roller assembly, in accordance with the type of material being compacted. Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to provide the compaction roller of Pallard with holder mechanisms, as taught by Wynings, in order to selectively increase or decrease the compaction force generated by said compaction roller assembly. See Wynings Col. 3, Ins. 17-29.

Still further Paladeni teaches it is known to provide roller screeds with pivot able handles (28) to make the device more maneuverable in tight areas. See Col. 4, Ins. 11-26. Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to provide the roller screed of Pallard in view of Wynings, with a pivot able handle, as taught by Paladeni in order to improve maneuverability.

In regards to claims 31-33 Pallard discloses a method of stamping wet concrete comprising:

Providing a stamping apparatus comprising: A roller (10); a receiver portion
(unnumbered) having oppositely disposed ends corresponding to oppositely

disposed ends of said roller (10).

Moving the apparatus over the wet concrete being worked for stamping the concrete in accordance with the stamp.

What Pallard does not disclose is the step of providing at least one retainer intended for receiving removable weights.

However, Wynings teaches it is known to provide compaction rollers (10) with at least one retainer (38), at each, oppositely disposed end of said roller (10) intended for receiving removable weights. Further Wynings teaches it is known to add and remove separate sets of removable weights (40) from each at least one retainer (38) based upon the material being compacted by the compaction roller. And that it is known to not add or remove weights from the at least one retainer when desirable. See Wynings Col. 3, Ins. 17-29. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the method of stamping concrete of Pallard, with the step of providing retainers and removable weights to a compaction roller, as taught by Wynings, in order to selectively increase or decrease the compaction force generated by the compaction roller, in accordance with the type of material being compacted.

Response to Arguments

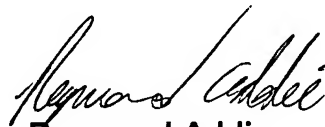
2. Applicant's arguments with respect to claims 1-4, 6, 7, 10-17, 19-27, 29-33, 49-53 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond W. Addie whose telephone number is 571 272-6986. The examiner can normally be reached on 6AM-2:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will can be reached on 571 272-6998. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Raymond Addie
Primary Examiner
Group 3600

8/28/2006